REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended claim 1 to further clarify the subject matter of the invention. Support for the amendments to claim 1 may be found, for example, in Figs. 1 and 7 of the drawings. No new matter has been added.

A Request for Continued Examination (RCE) is being filed concurrently with this Response.

Applicants respectfully submit that all pending claims are patentable over the cited prior art for the reasons set forth below.

II. The Rejection Of Claims 1 And 5-16 Under 35 U.S.C. § 103

Claims 1 and 5-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatani et al. (JP 07-220755) in view of Thibault et al. (US 2001/0003863). Applicants respectfully traverse this rejection of the pending claims for at least the following reasons.

With regard to the present disclosure, claim 1 recites a conductive area on a first current collector sheet connected to a first terminal on a first side face of a layered-type electrode assembly and a conductive area on a second collector sheet connected to a second terminal on a second side face of the electrode assembly, the insulating area of the first current collector sheet is provided on the second side face and the insulating area of the second current collector sheet is provided on the first side face, wherein the insulating area of the first current collector protrudes to the second terminal, and the insulating area of the second current collector protrudes to the first terminal, and the conductive area of the first current collector is not positioned on the

second side face, and the conductive area of the second current collector is not positioned on the first side face.

One feature of the present disclosure is that the insulating area of the first current collector protrudes to the second terminal, and the insulating area of the second current collector protrudes to the first terminal. As a result of this configuration, a short-circuit between the first and second electrodes can be prevented. Furthermore, the configuration allows the conductive areas of the plurality of first or second current collector sheets to be easily interconnected to provide a high capacity battery having parallel connection, as discussed on page 19, lines 9-15 of the specification.

It is admitted that Takatani fails to disclose first and second current collector sheets having an insulating area, or that the insulating area of the first sheet is positioned on the second side face and the insulating area of the second sheet is positioned on the first side face. However, it is alleged that the teachings of Thibault (a current collector having an insulating area) combined with Takatani renders claim 1 obvious. However, as claim 1 of the present disclosure has been amended to include the feature that the insulating area of the first current collector protrudes to the second terminal, and the insulating area of the second current collector protrudes to the first terminal, Applicants submit that the proposed combination of Thibault and Takatani is improper.

With regard to the present disclosure, Fig. 1 of the drawings shows how the insulating area (resin layer 11x) of the first electrode 15a protrudes from the second side to the second terminal 17b. In contrast, it is clear that Takatani and Thibault, even when combined together, fail to disclose this feature. As is shown in Takatani, the insulating layer for the current

collectors 10,12 do not protrude from the opposite sides of the terminal, on either side. Rather, the insulating layer is flush with the side face of the terminal. Nor does Thibault remedy this deficiency. As such, the combination of Takatani and Thibault does not disclose the feature of the insulating area of the first current collector protrudes to the second terminal, and the insulating area of the second current collector protrudes to the first terminal.

Moreover, Thibault is silent with regard to the conductive area of the first current collector not positioned on the second side face, and the conductive area of the second current collector not positioned on the first side face, as disclosed in Fig. 1 the present invention. Moreover, Takatani fails to remedy this deficiency. As such, the combination of Takatani and Thibault fails to disclose or suggest that the conductive area of the first current collector is not positioned on the second side face, and the conductive area of the second current collector is not positioned on the first side face, and accordingly, do not render claim 1 of the present invention obvious.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As is clearly shown, Takatani and Thibault do not disclose that the insulating area of the first current collector protrudes to the second terminal, and the insulating area of the second current collector protrudes to the first terminal, and the conductive area of the first current collector is not positioned on the second side face, and the conductive area of the second current collector is not positioned on the first side face. Therefore, Applicant submits that Takatani and Thibault do not render claim 1 of the present invention obvious and accordingly, Applicant respectfully requests that the § 103(a) rejection of claim 1 be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Rejection Of Claims 1, 8-13 And 16 Under Nonstatutory Double Patenting Doctrine

Claims 1, 8-13 and 16 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending U.S. Application No. 10/540,867 in view of Takatani et al.

However, as the rejection is provisional, Applicants respectfully request that the rejection be withdrawn until such time as claims in either application have been indicated to be allowable. As claims are often amended during prosecution, it is possible that the claims determined to be allowable may be patentably distinct from one another. According to PAIR, as of today July 10, 2008, the claims of Application No. 10/540,867 have yet to be allowed.

V. Conclusion

Having responded to all open issues set forth in the Office Action, it is respectfully submitted that all claims are in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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